

**STATE WATER RESOURCES CONTROL BOARD  
BOARD WORKSHOP SESSION – DIVISION OF DRINKING WATER  
APRIL 19, 2017**

**ITEM 1**

**SUBJECT**

ADMINISTRATIVE PROCEDURE ACT PUBLIC HEARING REGARDING PROPOSED REGULATIONS FOR A 1,2,3-TRICHLOROPROPANE (1,2,3-TCP) MAXIMUM CONTAMINANT LEVEL (MCL)

**DISCUSSION**

All public water systems are subject to regulations adopted by the State Water Resources Control Board (State Water Board) under the California Safe Drinking Water Act (Health & Saf. Code, div. 104, pt. 12, ch. 4, §116270 et seq.). The State Water Board is responsible for adopting primary drinking water standards, which include Maximum Contaminant Levels (MCLs). Health and Safety Code section 116365 requires the State Water Board to set the MCL as close to the Office of Environmental Health Hazard Assessment (OEHHA)-published public health goal (PHG) as is technically and economically feasible, placing primary emphasis on the protection of public health.

In 2009, OEHHA established a PHG for 1,2,3-Trichloropropane (1,2,3-TCP) of 0.7 parts per trillion (ppt) that is based on cancer risk. 1,2,3-TCP has been detected in numerous drinking water sources in California. The State Water Board has information that indicates that some public water systems are currently supplying water to their customers containing concentrations of 1,2,3-TCP that exceed the PHG. The most impacted counties are Kern, Fresno, Tulare, Merced, and Los Angeles. 1,2,3-TCP has been found by the U.S. Environmental Protection Agency (EPA) to likely be carcinogenic in humans. There is no federal drinking water standard for 1,2,3-TCP.

State Water Board staff conducted focused stakeholder meetings and public workshops in May and July 2016, respectively, with locations in Sacramento, Bakersfield, and Fresno. The purpose of the meetings and workshops was to describe the MCL development process and to solicit comments on the proposed 1,2,3-TCP MCL of 5 ppt.

On March 3, 2017, the State Water Board published a notice of proposed rulemaking pursuant to the requirements of the California Administrative Procedure Act (APA). Publication of the notice of proposed rulemaking in the California Regulatory Notice Register begins the mandatory 45-day public comment period when the public may submit comments, concerns, or support of the proposed regulation. All elements of the regulatory package were posted on the program webpage at:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/123TCP\\_SBDDW-17-001.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP_SBDDW-17-001.shtml)

The proposed regulations for 1,2,3-TCP include five primary provisions:

- Establishment of an MCL for 1,2,3-TCP of 5 parts per trillion (ppt);
- Amendment of the existing regulations to allow for limited “grandfathering” of results for any organic chemical sample collected prior to the adoption of a regulation;
- Establishment of a detection limit for the purposes of reporting (DLR) for 1,2,3-TCP of 5 ppt;
- Establishment of a best available technology (BAT) of granular activated carbon for the treatment of 1,2,3-TCP; and
- Incorporation of information on the health effects of 1,2,3-TCP contamination into public notification regulations.

## **HEARING OVERVIEW**

The purpose of this hearing is to receive verbal and written comments from the public on the proposed regulations in accordance with the APA. The APA hearing will be held during a Board workshop and will include a brief staff presentation with background information on 1,2,3-TCP, a summary of potential health concerns associated with 1,2,3-TCP, and an overview of the proposed regulations. The staff presentation will be followed by Hearing time set aside to provide the public an opportunity to make official verbal comments on the proposed regulations.

While a quorum of the State Water Board may be present, the Board will not take formal action at the hearing. The State Water Board and its staff may ask clarifying questions.

Following the conclusion of the public comment period on April 21, 2017, the State Water Board will compile, review, and respond to every comment. Responses to the comments may result in modifications to the proposed regulations that may then require an additional 15-day public comment period. Any additional public comment period will be noticed. State Water Board staff expects to submit the final regulations and accompanying documents to the State Water Board for adoption in mid-2017.

More information on the draft regulations regarding an MCL for 1,2,3-TCP can be found here: [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/123TCP.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP.shtml)

## **POLICY ISSUE**

None – Hearing only, no decisions will be made.

## **FISCAL IMPACT**

None – Hearing only, no decisions will be made.

## **REGIONAL BOARD IMPACT**

None – Hearing only, no decisions will be made.

## **STAFF RECOMMENDATION**

None – Hearing only, no decisions will be made.